

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JILL BABCOCK, MARGUERITE
MADDOX and ASHLEY JACOBSON, on
behalf of themselves and all others similarly
situated,

No. 2:22-cv-12951

HON. JONATHAN J.C. GREY

Plaintiffs,

v

STATE OF MICHIGAN, COUNTY OF
WAYNE, CITY OF DETROIT, WAYNE
COUNTY BUILDING AUTHORITY,
DETROIT BUILDING AUTHORITY AND
DETROIT-WAYNE JOINT BUILDING
AUTHORITY,

Defendants.

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**DEFENDANT STATE OF MICHIGAN'S AMENDED EX PARTE MOTION
TO EXCEED PAGE LIMIT FOR BRIEF IN SUPPORT OF MOTION TO
DISMISS**

State Defendant, through counsel, requests this Court allow State Defendant to file its Motion to Dismiss Plaintiffs' Second Amended Complaint that exceeds the 25-page limit established by L.R. 7.1(d)(3), by an additional ten pages for the reasons stated herein:

1. Plaintiffs bring this purported class action against Defendant State of Michigan (State Defendant) involving at least 31 buildings or facilities located throughout Michigan allegedly owned, leased, or operated by State Defendant. (ECF No. 79, ¶ 1, PageID.1265; ¶¶ 26-32, PageID.1271-1278; ¶ 36, PageID.1282; ¶¶ 43-49, PageID.1285-1290; ¶¶ 53-57, PageID.1292-1296; ¶ 86, PageID.1308; ¶ 88, PageID.1309-1310; ¶ 92; PageID.1317-1319; ¶ 96, PageID.1321-1322; ¶¶ 105-159, PageID.1327-1362.)

2. There are three named Plaintiffs who each have different factual allegations that need to be addressed when analyzing whether they meet the elements of standing or have sufficiently alleged any denial of services by State Defendant.

3. Plaintiffs' June 23, 2023, Second Amended Class Action Complaint (ECF No. 79)—which includes 9 additional pages to their Plaintiffs' April 28, 2023, 129-page First Amended Complaint—alleges State Defendant violated at least nine various federal and state statutes and building codes.

4. Plaintiffs allege State Defendant violated two Federal statutes (Title II of the Americans with Disabilities Act (ADA) and the Federal Rehabilitation Act), four Michigan statutes (the Barrier Free Design Act; the Stille-Derossett-Hale Single State Construction Code Act; the Sidewalks: Persons With Disabilities Act, and the Persons With Disabilities Civil Rights Act), along with various international, state and local construction and building codes. (ECF No. 79. ¶¶ 168-238, PageID.1365-1392.)

5. To adequately address the many allegations within this complaint, State Defendant's present several bases for dismissal, including Plaintiffs' failure to sufficiently plead any viable claims, immunity, and standing—each of which require sufficient briefing so that this Court may make an informed and fair determination.

Accordingly, due to the number of Plaintiffs, number of statutes, and number of buildings addressed in Plaintiffs' Second Amended Complaint, and various legal defenses, State Defendant requests to extend the brief page limit to 35 pages to adequately address all the various bases for dismissal of Plaintiffs' claims.

Respectfully submitted,

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Dated: July 6, 2023

LOCAL RULE CERTIFICATION

I, Cassandra Drysdale-Crown, certify that this document complies with Local Rule 5.1(a), including: double-spaced (except for quoted materials and footnotes); at least one-inch margins on the top, sides, and bottom; consecutive page numbering; and type size of all text and footnotes that is no smaller than 10-1/2 characters per inch (for non-proportional fonts) or 14 point (for proportional fonts). I also certify that it is the appropriate length in accord with Local Rule 7.1(d)(3).

s/Cassandra Drysdale-Crown
Cassandra Drysdale-Crown (P64108)

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2023, I electronically filed the above document(s) with the Clerk of the Court using the ECF System, which will provide electronic copies to counsel of record.

s/ Cassandra Drysdale-Crown
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